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Request for the inclusion of an additional item in the agenda of the sixty-third session

Judges of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Note by the Secretary-General

1. By his letters to the Secretary-General dated 5 June 2008 and 1 September 2008, Judge Fausto Pocar, President of the International Tribunal for the Former Yugoslavia, requested the General Assembly and the Security Council to authorize the extension of the terms of office of the judges of the International Tribunal.

2. The current terms of office of the ad litem judges come to an end on 23 August 2009, and the current terms of office of the permanent judges come to an end on 16 November 2009. It is the view of the International Tribunal that to maintain the integrity of each trial, it is necessary to ensure the continuous sitting of the same judges throughout the trial process. The extension will also provide President Pocar with maximum flexibility to assign benches in the remaining cases. Furthermore, it will be necessary to extend the terms of office of the permanent judges that sit in the Appeals Chamber to 31 December 2010 in order that they may complete their appeals cases.

3. The Statute of the International Tribunal does not provide for extending the terms of office of these judges. In the absence of such a provision, the approval of the Security Council, as the parent organ of the Tribunal, and of the General Assembly, as the organ that elects its judges, would be needed in order to extend the terms of office of the ad litem and permanent judges of the Tribunal.

4. In addition, on 13 August 2008, after consultation with the President of the Security Council and the President of the General Assembly, the Secretary-General appointed Mr. Christoph Flügge (Germany) to replace Judge Wolfgang Schomburg, who will resign from service with the International Tribunal on 18 November 2008.

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5. In order for the General Assembly to consider the above-mentioned matters, the Secretary-General has the honour, pursuant to rule 15 of the rules of procedure of the General Assembly, to request the inclusion in the agenda of the sixty-third session of the General Assembly of an additional item of an important and urgent character entitled "Judges of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991". This will enable the letters from the International Tribunal to be circulated as official documents of the General Assembly.

6. The Secretary-General requests that the item be considered directly in plenary meeting.